



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

Planning Board Hearing of February 8, 2007

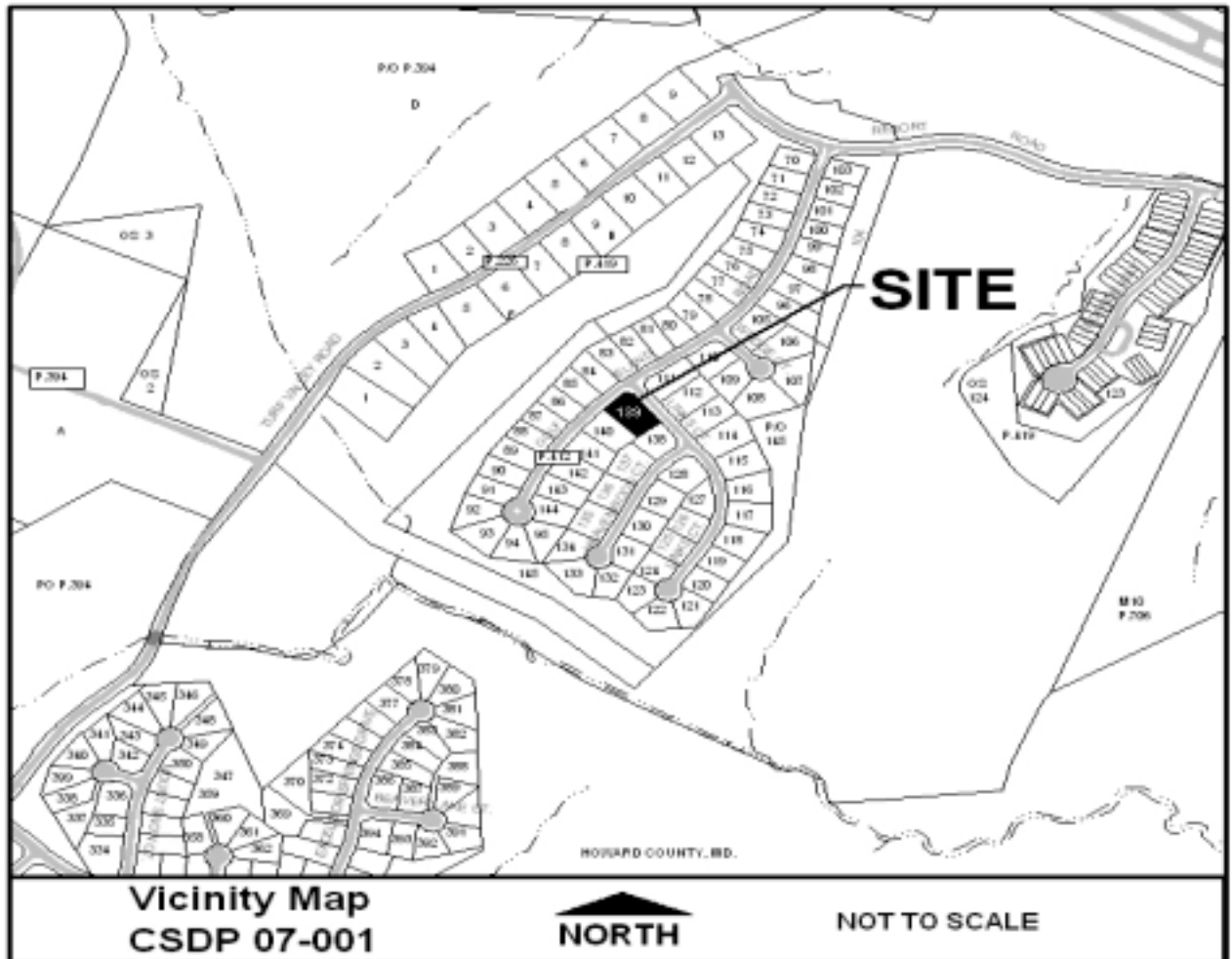
Beginning at 7:00 p.m.

Case No./Petitioner: CSDP-07-01/Turf Valley Vistas, Lot 139
James Carothers, Applicant

Subject: Concept Site Development Plan

Request: For an adjustment to reduce the required 20' setback from a public right-of-way to 7' for three existing brick pillars connected by a 6' high ornamental fence. In addition, an adjustment to the 5' rear accessory setback to 1' for the southeastern brick pillar will be required. The brick pillars are now 7' in height and the applicant intends to reduce them to 5 ½' in height and to reduce the 6' high fence located in between the brick pillars to 5' in height.

Location: The subject site is identified as Lot 139 of the Turf Valley Vistas, containing approximately 22,724 sq.ft. of land zoned PGCC-1, situated on the southwest corner of Links Court and Golf Island Road, located on Tax Map 16, Grid 18, also identified as 2700 Links Court, Ellicott City, MD.



1. PETITION REQUEST:

The applicant proposes to improve Lot 139 with an inground swimming pool, various landscape plantings and other site upgrades. Since a safety fence is required for a swimming pool, the applicant chose a decorative fence consisting of three brick pillars with an iron ornamental fence in between the pillars. These pillars and fencing were installed along Links Court and additional iron fencing was installed along the rear and western side property lines of Lot 139. The three 7' high brick pillars and 6' high iron ornamental fencing were constructed within the 20' street side setback from Links Court and are approximately 7' from the road right-of-way. The southern most brick pillar is also subject to a 5' rear accessory setback and will require an adjustment to reduce the setback to approximately 1'. The applicant will reduce the brick pillars to 5 ½' in height and all fencing to 5' in height. A 5' high open fence is exempt from all structure or use setback requirements and a 6' high fence is permitted within the side and rear setbacks in accordance with Section 128.A.9.b. of the Zoning Regulations. Although a 6' high fence is permitted within the side and rear setbacks, the applicant will reduce the fence height to 5' to match the height of the fence located in between the brick pillars.

2. BACKGROUND INFORMATION:

A. Site Description

Lot 139 is rectangular in shape and is located on the southwest corner of Golf Island Road and Links Court. A two-story brick residence with a three car garage is oriented towards the northern portion of the lot and has driveway access onto Links Court. The property has been improved with the three brick pillars along Links Court and an ornamental 6' high iron fence along the rear and side property lines. Lot 139 contains 22,724 sq.ft. of land and is zoned PGCC-1.

B. Vicinal Properties

Lot 139 abuts other residential lots zoned PGCC-1 within the Turf Valley Vista Subdivision. Adjoining lots are improved with two-story, attached garage homes.

C. History

Three 7' high brick pillars were installed on or about April 29, 2004, and the iron ornamental fencing was installed May 18, May, 2004. A stop work order was posted on May 24, 2004, by the Department of Planning and Zoning (DPZ) since the fence company failed to apply for a building permit.

While applying for permits on May 25, 2004, the fence company employee was informed by DPZ that the 6' high fence and 7' high brick pillars were in violation of the required street side and rear setbacks.

A Residential District Variance Petition to the Board of Appeals was submitted, and it was determined that the property owner had utilized the wrong petition application. The County used the same paperwork and waived the hearing fee and a Concept Site Development Plan, CSDP 05-01, was heard by the Planning Board on October 27, 2004, and continued on February 3, 2005, to reduce the 20' street side setback to 7' for three 7' high brick pillars with a 6' high iron ornamental fence located between the pillars and to reduce the 5' accessory setback from the rear property line to 1' for the southern most brick pillar.

The Planning Board denied the request and the property owner appealed the decision to the Board of Appeals. The Board of Appeals upheld the Planning Board's decision (see attached Decision and Order).

On or about June 7, 2006, DPZ issued a zoning violation. The property owner then filed this Concept Site Development Plan, CSDP 07-01, requesting a reduction in the 20' street side setback and 5' rear accessory setback for three existing brick pillars and fencing. The property owner intends to reduce the 7' high brick pillars to 5 ½' and to reduce the 6' high ornamental iron fence to 5' in its entirety.

3. EVALUATION AND CONCLUSIONS:

- A. In accordance with Section 126.H.3.d (1) and (2) of the Zoning Regulations (findings for adjustments to bulk regulations for individual lots):

(1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare:

The applicant's main purpose for installing the fence was for safety concerns due to his intent to place an inground swimming pool at the rear of the lot. The brick pillars were installed for decorative purposes and are of a typical design utilized throughout many residential subdivisions. The brick pillars and fencing along the street side of Links Court do not cause visual obstruction to traffic on Links Court. The pillars do not cause any sight problems at the intersection of Golf Island Road and Links Court since the pillars are located towards the rear portion of the lot and approximately 120' east of the intersection. The fencing and brick pillars located approximately 7' from the road right-of-way of Links Court do not block the use of the sidewalk nor will they impair the healthy growth of existing street trees along Links Court. Because Lot 139 is a corner lot and the brick pillars do not abut any adjoining property except for one pillar located at the southeastern rear corner of the lot, adjacent properties are not adversely affected by the placement of the pillars or fencing at their current location. The adjoining lot located to the south of Lot 139, identified as Lot 138, is also a corner lot having driveway access onto Links Court and contains 15,935 sq.ft. of land. Since the southernmost brick pillar sits back 14' from the road, it does not create any visual impairment to vehicles leaving the driveway of Lot 138, turning north onto Links Court.

All surrounding lots have been developed with single family homes and will not be prohibited from appropriate residential uses by approving the requested adjustment. The property owner's current proposal to leave the pillars and fencing in place while reducing their height to 5 ½' and 5', respectively, is consistent with the height guidelines of the Turf Valley Vistas Homeowner's Association.

(2) The adjustment , a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or, b) results in better design than would be allowed by strict compliance with the development criteria:

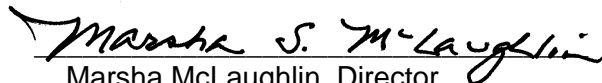
Requiring the brick pillars to meet the required setbacks relative to Links Court and the rear property line would necessitate their removal and reconstruction at alternative compliant locations. Since the property owner intends to install an inground swimming pool, pool decking and patio in the rear yard, along with extensive landscaping, meeting the 20' setback will greatly impact the usable lawn area along the eastern property line and will require a reduction of proposed landscaping. As a result of the previous decisions rendered by the Planning Board (CSDP-05-01) and Board of Appeals (BA-542-D), the property owner has altered his plans. The current proposal, leaving the pillars and fencing in their present locations, while reducing their height, represents a compromise solution which is a better alternative to pillar/fencing removal and relocation.

4. RECOMMENDATION:

Based upon the evaluation above, the Department of Planning and Zoning recommends that the request for the adjustments to the bulk regulation on Lot 139 so as to reduce the 20' street side setback to 7' for 3 existing 7' high brick pillars which will be reduced in height to 5 ½' and which will be connected by a 5' high iron ornamental fence and to also reduce the 5' rear setback for the southern most brick pillar to 1' be **GRANTED** subject to the following condition:

1. The adjustments shall apply only to the 3 existing brick pillars located along Links Court and not to any other new structures within the 20' street side setback area. The applicant shall reduce the 3 existing 7' high pillars to a height of 5 ½' and the iron ornamental fence shall be no greater than 5' in height located in between the pillars. The applicant shall reduce all fencing located along the southern and western property lines to 5' in height to match the fencing height located in between the brick pillars.

This file is available for public review at the Department of Planning and Zoning's Public Service Counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.


Marsha McLaughlin, Director
Department of Planning and Zoning

1/24/07
Date

:btb

Attachments: Plot Plan
PB/D&O;CSDP-05-01
BA-542-D